

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

HOFFMAN BROTHERS HEATING, )  
and AIR CONDITIONING, INC., )  
                                  )  
Plaintiff,                   )  
                                  )  
vs.                           )                                   Case No. 4:19 CV 200 RWS  
                                  )  
HOFFMAN AIR CONDITIONING )  
& HEATING, LLC., et al.,    )  
                                  )  
Defendants.                   )

**MEMORANDUM AND ORDER**

The Court has reviewed the status report submitted by the parties after the unsuccessful mediation of this newly-consolidated case. Having presided over countless similar cases, the Court remains firmly convinced that this case is one that could and should be settled and encourages the parties to continue good faith negotiations.

This case will be reset for a preliminary injunction hearing which will cover not only all of the issues raised in the motion for preliminary injunction filed by the plaintiff in this case [16], but also all of the issues raised in the motion for preliminary injunction filed in the consolidated case. [Doc. # 22 in Case No. 4: 19 CV 206 RWS]. To avoid confusion, the motion for preliminary injunction filed in

Case Number 4: 19 CV 206 RWS should be refiled in this newly-consolidated action within two days of the date of this Memorandum and Order.

Accordingly,

**IT IS HEREBY ORDERED** that the motion for preliminary injunction filed in Case Number 4: 19 CV 206 RWS should be refiled in this newly-consolidated action within two days of the date of this Memorandum and Order, and **the motion for preliminary injunction filed in Case Number 4: 19 CV 206 RWS [22] is denied as moot.**

**IT IS FURTHER ORDERED** that the initial case management order for preliminary injunction [27] is modified as follows:

1. All opposition briefs to motions for preliminary injunction will be filed no later than June 10, 2019. Any reply briefs in support of these motions will be filed no later than June 17, 2019.
2. Responses to written discovery will be served no later than May 17, 2019, all documents will be produced no later than May 24, 2019, and all depositions completed no later than June 3, 2019. The agreed-upon limits for discovery requests set forth in paragraph 4 of the joint status report [36] apply.
3. A hearing on the motions for preliminary injunction will be held on July 1, 2019 at 10:00 a.m. in Courtroom 16-South.

3. By no later than **June 25, 2019**, the parties shall file the following pre-hearing materials:

- a. A list of proposed witnesses who will be called to testify and those who may be called, with a short synopsis of the subject matter of each witness' testimony;
- b. Exhibit lists identifying those exhibits that will be introduced into evidence and those that may be introduced;
- c. A stipulation of all exhibits which may be introduced without objection or preliminary identification, and written objections to all other exhibits;
- d. Proposed findings of fact and conclusions of law;
- e. A bond proposal; and
- f. A proposed form of relief.

**Failure to comply with these provisions could result in the imposition of sanctions.**



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 20th day of May, 2019.